

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

AARON SPURLOCK and VELMA SPURLOCK, Plaintiffs, v. PORTFOLIO RECOVERY ASSOCIATES, L.L.C., Defendant.	CASE NO. 1:14-cv-00323
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COMPLAINT

I. INTRODUCTION

1. This is an action for statutory and actual damages, costs of the action and a reasonable attorney's fee brought by Plaintiffs Aaron Spurlock and Velma Spurlock for violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., by Defendant.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331 and 1337.

III. PLAINTIFFS

3. Plaintiffs Aaron Spurlock and Velma Spurlock are married natural persons residing in Batesville, Franklin County, Indiana.

IV. DEFENDANT

4. Defendant Portfolio Recovery Associates, L.L.C. (hereinafter "Portfolio Recovery") is a for-profit foreign limited liability company with its principal place of business in Norfolk, Virginia.
5. At all times relevant herein, Portfolio Recovery was operating as a debt collector as defined by 15 U.S.C. § 1692a(6).

V. STATEMENT OF FACTS

6. On January 20, 2014, Portfolio Recovery filed a debt collection lawsuit, Cause No. 69D01-1401-CC-004, against Plaintiffs in Ripley County Superior Court in an attempt to collect an alleged debt incurred primarily for personal, family or household purposes.
7. Aaron and Velma Spurlock reside in Franklin County, Indiana.

VI. CLAIMS FOR RELIEF

A. Fair Debt Collection Practices Act

8. Plaintiffs repeat, re-allege and incorporate by reference paragraphs one through seven above.
9. Portfolio Recovery violated the Fair Debt Collection Practices Act. These violations include, but are not limited to:
 - a. Filing a lawsuit against Plaintiffs in a judicial district which is neither where Plaintiffs signed the contract sued upon nor where they reside, in violation of 15 U.S.C. § 1692i.
10. As a result of the violation of the Fair Debt Collection Practices Act, Portfolio Recovery is liable to Plaintiffs for their actual damages, statutory damages, costs, attorney fees and all other appropriate relief.

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment in their favor and against Defendant in an amount that will compensate them for their actual damages, statutory damages, costs, attorney fees and all other appropriate relief.

Respectfully submitted,

s/ Robert E. Duff

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